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 District of Arizona  
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CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

UNITED STATES DISTRICT COURT  
 DISTRICT OF ARIZONA

United States of America,	)	CR 09- 1478- TUC -RCC(CRP)
Plaintiff,	)	
vs.	)	PLEA AGREEMENT
Anthony Wayne Dawson	)	
	)	
Defendant.	)	

The United States of America and defendant agree to the following disposition of this matter:

1. Defendant agrees to plead guilty to count three of the indictment charging the defendant with <sup>attempted</sup> assault on a federal officer in violation of Title 18 United States Code Section 111(a) and (b).

2. The parties agree that the possible punishment is incarceration for not more than twenty (20) years, a fine of not more than \$250,000 and a supervised release term of not more than three (3) years .

3. Pursuant to Title 18, United States Code, Section 3013, the defendant shall pay a special assessment of \$100.00. The special assessment is due and payable at the time the defendant enters the plea of guilty, but in no event shall be paid later than the time of

1 sentencing unless the defendant is indigent. If the defendant is indigent, the special  
 2 assessment will be collected according to the provisions of Chapters 227 and 229 of Title  
 3 18, United States Code.

4 4. Pursuant to Rule 11(c)(1)( c), *Federal Rules of Criminal Procedure*, the  
 5 government and the defendant stipulate and agree that the defendant will be sentenced to;  
 6 46-57 months in prison if the defendant's Criminal History is Category I;  
 7 51-63 months in prison if the defendant's Criminal History Category is II;  
 8 57-71 months in prison if the defendant's Criminal History os Category III;  
 9 70-87 months in prison if the defendant's Criminal History is Category IV;  
 10 84-105 months in prison if the defendant's Criminal History is Category V;  
 11 92-115 months in prison if the defendant's Criminal History is category VI.

12 The government agrees to dismiss the remaining counts against the defendant.

13 5. If the Court, after reviewing this plea agreement, concludes any provision is  
 14 inappropriate, it may reject the plea agreement, giving the defendant, in accordance with  
 15 Rule 11(c)(5), *Federal Rules of Criminal Procedure*, an opportunity to withdraw  
 16 defendant's guilty plea.

17 6. The defendant and the government agree that this agreement does not in any  
 18 manner restrict the actions of the government in any other district or bind any other  
 19 United States Attorney's Office.

20 7. The defendant hereby waives any and all motions, defenses, probable cause  
 21 determinations, and objections which defendant could assert to the indictment or to the  
 22 Court's entry of judgment against the defendant and imposition of sentence upon the  
 23 defendant consistent with this agreement. The defendant further waives: (1) any right to  
 24 appeal the court's entry of judgment against defendant; (2) any right to appeal the  
 25 imposition of sentence upon defendant under Title 18, United States Code, Section 3742  
 26 (sentence appeals); and (3) any right to collaterally attack defendant's conviction and  
 sentence under Title 28, United States Code, Section 2255. If defendant files a notice of

1 appeal, notwithstanding this agreement, defendant agrees that this case shall be remanded  
2 to the district court to determine whether defendant is in breach of this agreement and, if  
3 so, to permit the United States to withdraw from the plea agreement.

4 8. If the defendant's guilty plea is rejected, withdrawn, vacated, or reversed by  
5 any court in a later proceeding, the government will be free to prosecute the defendant for  
6 all charges as to which it has knowledge, and any charges that have been dismissed  
7 because of this plea agreement will be automatically reinstated. In such event, the  
8 defendant waives any objections, motions, or defenses based upon the Speedy Trial Act  
9 or the Sixth Amendment to the Constitution as the delay occasioned by the later  
10 proceedings.

11 9. The defendant understands and agrees to cooperate fully with the United States  
12 Probation Office in providing:

13 (a) All criminal history information, i.e., all criminal convictions as defined  
14 under the Sentencing Guidelines.

15 (b) All financial information, i.e., present financial assets or liabilities that  
16 relate to the ability of the defendant to pay a fine or restitution.

17 (c) All history of drug abuse which would warrant a treatment condition as  
18 part of sentencing.

19 (d) All history of mental illness or conditions which would warrant a  
20 treatment condition as part of sentencing.

21 10. Nothing in this plea agreement shall be construed to protect the defendant  
22 from civil forfeiture proceedings or prohibit the United States from proceeding with  
23 and/or initiating an action for civil forfeiture. Further, this agreement does not preclude  
24 the United States from instituting any civil proceedings as may be appropriate now or in  
25 the future.

26

DEFENDANT'S APPROVAL AND ACCEPTANCE

1 I have read each of the provisions of the entire plea agreement with the assistance  
2 of counsel and understand its provisions. I have discussed the case and my constitutional  
3 and other rights with my attorney. I understand that by entering my plea of guilty I will  
4 be giving up my right to plead not guilty; to trial by jury; to confront, cross-examine, and  
5 compel the attendance of witnesses; to present evidence in my defense; to remain silent  
6 and refuse to be a witness against myself by asserting my privilege against  
7 self-incrimination; all with the assistance of counsel, and to be presumed innocent until  
8 proven guilty beyond a reasonable doubt.

9 I agree to enter my guilty plea as indicated above on the terms and conditions set  
10 forth in this agreement.

11 I have been advised by my attorney of the nature of the charge to which I am  
12 entering my guilty plea. I have further been advised by my attorney of the nature and  
13 range of the possible sentence, and I will not be able to withdraw my guilty plea if I am  
14 dissatisfied with the sentence the court imposes.

15 My guilty plea is not the result of force, threats, assurance or promises other than  
16 the promises contained in this agreement. I agree to the provisions of this agreement as a  
17 voluntary act on my part, rather than at the direction of or because of the recommendation  
18 of any other person, and I agree to be bound according to its provisions. I agree that my  
19 Sentencing Guidelines range referred to herein or discussed with my attorney is not  
20 binding on the Court and is merely an estimate.

21 I agree that this written plea agreement contains all the terms and conditions of my  
22 plea and that promises made by anyone (including my attorney) that are not contained  
23 within this written plea agreement are without force and effect and are null and void.

24 I am satisfied that my defense attorney has represented me in a competent manner.  
25 26

1 I am not now on or under the influence of any drug, medication, liquor, or other  
 2 intoxicant or depressant, which would impair my ability to fully understand the terms and  
 3 conditions of this plea agreement.

4 Factual Basis

5 I further agree that the following facts accurately describe my conduct in  
 6 connection with the offense to which I am pleading guilty and that if this matter were to  
 7 proceed to trial, the government could prove those facts beyond a reasonable doubt:

8 On February 23, 2009, Anthony Wayne Dawson was an inmate at the  
 9 Federal Correctional Facility in Tucson, Arizona. Federal Health Officer  
 10 Julia Burchfield gave Dawson a syringe containing Dawson's diabetes  
 11 medicine. Dawson was supposed to self inject the medicine and then return  
 12 the syringe to Burchfield. Instead, Dawson tried to stab Burchfield with the  
 13 syringe. Dawson has HIV. At the time of the incident Burchfield was a  
 14 federal employee engaged in the performance of her duties.

15 

16 2/2/11  
 17 Date

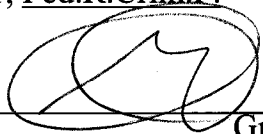
18 Anthony Wayne Dawson

19  
 20 DEFENSE ATTORNEY'S APPROVAL AND  
 21 ACCEPTANCE

22 I have discussed this case and the plea agreement with my client in detail and have  
 23 advised the defendant of all matters within the scope of Rule 11, Fed.R.Crim.P., the  
 24 constitutional and other rights of an accused, the factual basis for and the nature of the  
 25 offense to which the guilty plea will be entered, possible defenses, and the consequences  
 26 of the guilty plea. No assurances, promises, or representations have been given to me or

to the defendant by the government or by any of its representatives which are not contained in this written agreement. I concur in the entry of the plea as indicated above and on the terms and conditions set forth in this agreement as in the best interests of my client. I agree to make a bona fide effort to ensure that the guilty plea is entered in accordance with all the requirements of Rule 11, Fed.R.Crim.P.

2/11/11  
Date

  
Gregory J. Foster  
Attorney

for


Defendant

GOVERNMENT'S APPROVAL AND ACCEPTANCE

I have reviewed this matter and the plea agreement. I agree on behalf of the United States that the terms and conditions set forth are appropriate and are in the best interests of justice.

DENNIS K. BURKE  
United States Attorney  
District of Arizona

2/3/11  
United States Attorney

  
Jesse Figueroa  
Assistant